

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

July 15, 1998

DIVISION TWO

B102612 People (Not for Publication)
v.
Stanley Rodriguez et al.

The Court:

The judgment against Stanley Rodriguez is affirmed. The judgment of conviction of Adonay Melendez on count 2 and the judgment sentencing him to a prison term of 25 years to life are reversed. The judgment of conviction of Adonay Melendez on count 1 is affirmed. The judgment sentencing Adonay Melendez to a term of 15 years to life on count 1 and staying that sentence pending service of the sentence on count 2 is modified to lift the order staying execution of that sentence and, as modified, is affirmed. The prosecution may elect to have Adonay Melendez retried on count 2.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Valorie Gray, Deputy Clerk.

Each of the following:

B109998 Wu v. Koutras
B110994 People v. Mosley
B108498 People v. Smith
B110126 People v. Logan
B110070 People v. Martin
B111242 People v. Holland
B118913 Dept. of Children & Family Services v. Calvin L.

DIVISION THREE (Continued)

Each of the following (cont'd):

B114812 County of Los Angeles v. Mahmoud M.
B119639 Dept. of Children & Family Services v. Keisha S.
B114485 People v. Biddle
B111508 Jordan v. County of Los Angeles
B108430 People v. Carr
B117500 People v. Butler
B107433 People v. Garcia
B117520 People v. Tarkington
B111606 People v. Wilson
B109257 People v. Mosley
B116389 People v. Harris

Argument waived, cause submitted.

B113447 Chen
 v.
 Wu

Merits:
Argued by Susan Wu Chen, appellants in propria persona, and by Lee W. Salisbury for respondent. Cause submitted.

B113102 Hubert
 v.
 Los Angeles Dept. of Water & Power

Merits:
Argued by Martin L. Stanley for appellant and by Marie McTeague for respondent. Cause submitted.

DIVISION THREE (Continued)

B115301 Rajah
 v.
 Kamrava

Merits:
Argued by Cameron M. Jolly for appellant and by Gerald M. Serlin for respondent. Cause submitted.

B110667 Robinson & Associates
 v.
 Drexler, et al.

Merits:
Argued by Ronald Kaplan for appellant and by Laurie Falik and Jonathan C. Balfus for respondents. Cause submitted.

Court recessed at 11:35 P.M.

The Court reconvened at 1:30 P.M.

Present: Klein, P.J., Croskey, J., Kitching, J., Aldrich, J., Goodman, J. (Assigned), and Valorie Gray, Deputy Clerk.

B111252 Bielinski
 v.
 Firestein

Merits:
Argued by Mory Struhl for appellant and by Joseph M. Hartley for respondent. Cause submitted.

DIVISION THREE (Continued)

B113950 People
v.
Dukes

Merits:

Argued by William Duncan for appellant and by David Andrew Eldridge,
deputy attorney general for respondent. Cause submitted.

B114582 Pegues
v.
Civil Service Commission, et al.

Merits:

Argued by Manuel A. Valenzuela, deputy county counsel for appellant and by Diane Marchant for respondent. Cause submitted.

Court adjourned at 2:30 P.M.

DIVISION FIVE

B114976 People (Not for Publication)
v.
Emma E.

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

July 15, 1998-Continued

DIVISION FIVE (Continued)

B113247 People (Not for Publication)

V.

Resham Singh

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.

Grignon, J.

B109935 Irvine Unified School District (Not for Publication)

V.

Southern California Relief Joint Powers Authority

The judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.

Armstrong, J.

B113658 People (Not for Publication)

V.

Melvin Jackson

For the reasons set forth above, the judgment is affirmed.

Godoy Perez, J.

We concur: Grignon, Acting P.J.

Armstrong, J.

DIVISION FIVE (Continued)

B116710 People (Not for Publication)
v.
Edward R. Infante

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

B110229 People (Not for Publication)
v.
Tony Lee Harris

The judgment is reversed and the matter remanded solely to allow the People to retry, if they choose, the truthfulness of appellant's prior robbery conviction. If they elect not to, the prior conviction allegation shall be dismissed and appellant resentenced under the provisions of section 667, subdivision (e)(1), applicable when only one prior felony conviction has been proven under Three Strikes. The court is further ordered to modify the abstract of judgment to reflect a \$200 restitution fine and consecutive service of the prior prison term enhancements. In all other respects, the judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Armstrong, J.

July 15, 1998-Continued

DIVISION SIX

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B111844 Du Jardin (Not for Publication)
v.
City of Oxnard

The judgment is affirmed. Costs are awarded to the Du Jardins.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

[illegible]

The matter is remanded for resentencing. In all other respects the judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

DIVISION SIX (Continued)

B112731 People (Not for Publication)

V.
Rodriguez

The trial court is directed to amend the abstract of judgment to reflect that the section 12022.7, subdivision (a) enhancement relating to count 1 has been stricken. In all other respects, the judgment is affirmed.

Stone, P.J.

We concur: Yegan, J.
Coffee, J.

B116383 Mantor (Not for Publication)

v.
The Simi Associates Limited Partnership, etc., et al.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Stone, P.J.
 Gilbert, J.

B116040 Price (Not for Publication)

v.
Wilburn

The judgment is modified to provide that Price may obtain possession of the inventory and fixtures that were present at the time of the sale, plus replacement fixtures and proceeds. In all other respects we affirm. Costs to respondents.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

July 15, 1998-Continued

DIVISION SIX (Continued)

B116209 Reed (Not for Publication)

v.
City of Oxnard

The judgment is affirmed. Costs are awarded to respondents and real party.

Gilbert, J.

We concur: Stone, P.J.
 Yegan, J.

B116527 Moore (Not for Publication)

v.
Yaspan

The judgment is affirmed with costs to Yaspan.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

B088215 Ridgley (Not for Publication)

V.
Topa Thrift and Loan Assn.

The judgment is affirmed. Plaintiffs to recover costs on appeal.

Woods, J.

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B114757 People
 v.
 Flores

Filed order denying petition for rehearing.

B115026 People (Not for Publication)
 v.
 Sierra

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B110840 People (Not for Publication)
 v.
 Thornton

The judgment is reversed.

Johnson, Acting P.J.

I concur: Neal, J.
I dissent: Woods, J. (Opinion)